

EA-264-B



ENMAX Corporation
141 - 50 Avenue SE
Calgary, AB T2G 4S7
Tel (403) 514-3000
enmax.com

April 8, 2009

Ms. Ellen Russell
Office of Electricity Delivery and Energy Reliability
U.S. Department of energy
1000 Independence Ave., S.W.
Washington, D.C. 20585-0350

US Department of Energy

APR - 7 2009

Electricity, Delivery and Energy Reliability

RE: Application for Renewal to Export Electric Energy; Docket EA-264

Dear Ms. Russell:

Enclosed are an original and 15 copies of the Application of ENMAX Energy Marketing, Inc. ("ENMAX") for renewal of authorization to transmit electric energy to Canada. In addition please find check no. 29300256 for \$500.00 payable to the Treasurer of the United States.

Please date-stamp and return the extra copies to the attention of the undersigned in the envelope provided for that purpose. If you have any questions about the application, please feel free to contact me at phaldane@enmax.com or (403) 514-1506.

Sincerely,

A handwritten signature in dark ink, appearing to read "Penny Haldane", written over a circular stamp or mark.

Penny Haldane
Regulatory Affairs Specialist

**UNITED STATES OF AMERICA
BEFORE THE
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY**

In the Matter of:

ENMAX Energy Marketing Inc.

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Docket No. EA264-B

**APPLICATION OF ENMAX ENERGY MARKETING INC.
FOR RENEWAL OF AUTHORIZATION TO TRANSMIT
ELECTRIC ENERGY TO CANADA**

On May 30, 2002 the Office of Fossil Energy ("FE") of the Department of Energy ("DOE") issued Order No. EA-264 authorizing ENMAX Energy Marketing Inc. ("ENMAX" or "the Applicant") to transmit electric energy from the United States to Canada as a power marketer using international electric transmission facilities. Order No. EA-264 was granted and was renewed on May 19, 2004. This authorization expires May 30, 2009.

ENMAX submits this application ("Application") for renewal of blanket authorization to transmit electricity from the United States to Canada under Section 202 of the Federal Power Act, 16 U.S.C. Section 824(a) and Section 205.300 *et seq.* of the Rules of the DOE, 10 C.F.R. Part 205. ENMAX requests that the DOE grant this authorization for a five year term beginning upon the expiration date of ENMAX's current authorization (May 30, 2009).

I. INTRODUCTION

The relevant characteristics of ENMAX described in this application are virtually identical to those for which export authority had previously been granted to ENMAX in FE Order EA-264 and EA-264-A. ENMAX is an Alberta corporation having its principal place of business at Calgary, Alberta, Canada. ENMAX is in the business of marketing electricity in the United States and Canada and exports electricity into Canada for sales to Canadian utilities, power marketers and end-use customers. ENMAX takes title to electricity exported to Canada at various points in the U.S. and transmits that power over the facilities of

intervening transmission providers to the border crossing points listed in Exhibit C. ENMAX and its affiliates have no franchised service territory in the United States nor do they own or control generation or transmission assets in the United States. ENMAX has secured authority from the Federal Energy Regulatory Commission to sell power in the U.S. at market-based rates in Docket No. ER 01-2508.

ENMAX is a wholly owned subsidiary of ENMAX Energy Corporation ("ENMAX Energy"), which in turn is a wholly owned subsidiary of ENMAX Corporation. ENMAX Corporation is wholly owned by The City of Calgary. ENMAX Corporation was established to carry on the electric utility transmission and distribution operations previously carried on by the Calgary Electric System, a former department of The City of Calgary.

In addition to ENMAX Energy, ENMAX Corporation also owns ENMAX Power Corporation ("ENMAX Power"), which owns the electrical transmission and distribution system in the Calgary area¹. Access to the ENMAX Power transmission system is provided by the Alberta Electric System Operator, an Independent System Operator which provides open access and non-discriminating transmission service comparable to those provided by U.S. transmission providers under the FERC's OATT.

ENMAX Energy is a licensed and registered energy retailer in the Province of Alberta, Canada, and provides energy and energy-related products and services to residential, commercial and industrial customers throughout Alberta. As a wholly owned subsidiary of ENMAX Energy, ENMAX currently participates in the wholesale trading of energy within

¹ On January 1, 2003, ENMAX Power Services Corporation, a wholly owned subsidiary of ENMAX Power, assumed responsibility for certain unregulated functions previously managed by ENMAX Energy such as building, maintaining and operating electronic communications, commercial and street lighting, light rail transit electrical systems and related power services.

Canada and holds permits issued by the Canadian National Energy Board authorizing the export of electricity from Canada to the United States.

II. APPLICATION FOR RENEWAL OF AUTHORIZATION TO TRANSMIT ELECTRIC ENERGY TO CANADA

As noted, ENMAX is a power marketer and engages in the purchase and sale of energy and capacity in wholesale electric markets. ENMAX exports electricity to Canada using the transmission facilities of public utilities, and other entities listed in Exhibit C.

III. INFORMATION PURSUANT TO 10 C.F.R. 205.302 *ET SEQ.*

The following information is supplied in accordance with the requirements set forth in Section 205.302 *et. seq.* of DOE's regulations:

- (a) The exact legal name of the applicant:

ENMAX Energy Marketing Inc.

- (b) The exact legal name of all partners:

None.

- (c) The name, title, post office address, and telephone number of the person to whom correspondence in regard to the application shall be addressed:

Penny Haldane
Regulatory Affairs Specialist
ENMAX Corporation
141 – 50 Ave SE
Calgary, AB T2G 4S7
(403) 514-1506 (phone)
(403) 514-2033 (fax)
E-mail: phaldane@enmax.com

- (d) The state or territory under the laws of which the applicant is organized or incorporated, or authorized to operate. If the applicant is authorized to operate in more than one state, all pertinent facts shall be included.

ENMAX is incorporated and authorized to conduct business under the laws of the Province of Alberta, Canada and is authorized to engage in wholesale

electric power and energy transactions at market-based rates in the U.S. by the Federal Energy Regulatory Commission.

- (e) The name and address of any known Federal, State or local government agency which may have any jurisdiction over the action to be taken in this application and a brief description of that authority.

The Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

The Federal Energy Regulatory Commission regulates the rates for the transmission and sale of electric energy in wholesale commerce.

- (f) A description of the transmission facilities through which the electric energy will be delivered to the foreign country, including the name of the owners and the location of any remote facilities.

ENMAX intends to transmit electric energy through the international transmission facilities of various public utilities and other entities listed in Exhibit C, pursuant to their respective Presidential Permits as well as any additional facilities approved by DOE during the term of its renewed authorization.

- (g) A technical discussion of the proposed electricity export's reliability, fuel use and system stability impact on the applicant's present and prospective electric power supply system. Applicant must explain why the proposed electricity export will not impair the sufficiency of electric supply on its system and why the export will not impede or tend to impede the regional coordination of electric utility planning or operation.

ENMAX understands that arrangements to transmit energy to the international border require ENMAX to enter into transmission service agreements with transmission providers, and that such agreements are separate and apart from the granting of this Application. The transmission of electric energy by ENMAX across the transmission system of such providers will not impair the sufficiency of the United States electric supply because the power

exported (net of any transmission losses) will only be on transmission lines with available capacity.

ENMAX enters into all necessary commercial arrangements and obtains all other regulatory approvals required to affect any power exports. In particular, ENMAX;

(i) schedules each transaction with the appropriate transmission utility and/or control area operator in accordance with good utility practice, and

(ii) obtains transmission from available transmission capacity over the existing facilities listed in Exhibit C.

ENMAX's proposed export of electricity to Canada should not burden regional transmission facilities, or adversely effect the regional coordination of electric utility planning or operations. ENMAX will transmit all of the power designated for export to Canada over existing transmission lines and in accordance with the transmitting utilities' existing capabilities and operating procedures.

Because ENMAX does not own transmission border facilities, it purchases transmission service at the border with Canada from the providers listed in Exhibit C. All such services are purchased from the relevant providers and used by ENMAX in accordance with the respective authorizations for those facilities. Thus, ENMAX will comply with all applicable reliability and technical standards set forth in the relevant licenses. To the extent such licenses cap the amount of power to be exported, ENMAX shall comply with the restrictions imposed on each transmission system and facility. During the term of its export authorization, ENMAX only will use the international transmission facilities which have been issued authorizations by the DOE. Thus, by complying with the FERC requirements and export limits imposed by DOE on the aforementioned transmission facilities, ENMAX's

proposed exports would not adversely effect transmission facilities or impede the coordinated use of transmission facilities.

- (h) Signature and verification under oath by an officer of the applicant having knowledge of the matters set forth therein

This application has been verified under oath by an officer of the Applicant, with knowledge of the matters set forth herein.

IV. EXHIBITS PURSUANT TO 10 C.F.R. § 205.303

In accordance with 10 C.F.R. 205.303, the required exhibits are attached to this Application.

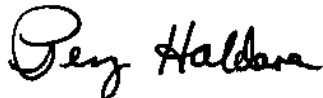
- (a) **Exhibit A** - Not Applicable.
- (b) **Exhibit B** A signed opinion of ENMAX's counsel.
- (c) **Exhibit C** - Contains the specific transfer points and Presidential Permits ENMAX will use to export electricity.
- (d) **Exhibit D** - If an applicant resides or has its principal office outside the United States, such applicant shall designate, by irrevocable power of attorney, an agent residing within the United States. A verified copy of such power of attorney shall be furnished with the application.
- (e) **Exhibit E** - Not Applicable.
- (f) **Exhibit F** - Not Applicable.

V. CONCLUSION

Because ENMAX is exporting electricity under the existing authorization, ENMAX respectfully requests an expedited processing of this application in order to avoid any lapse in export authority. The Applicant respectfully requests the DOE to expeditiously consider and grant the request for authority at the earliest possible date but no later than May 30, 2009.

For the reasons stated herein, DOE should grant ENMAX authorization to export electric energy to Canada for a five year term.

Respectfully submitted,



Penny Haldane
Regulatory Affairs
Specialist
ENMAX Corporation
141 -- 50 Ave SE
Calgary, AB T2G 4S7
(403) 514-1506 (phone)
(403) 514-2033 (fax)
e-mail:
phaldane@enmax.com

April 8, 2009

Exhibit A

NOT APPLICABLE



ENMAX Energy Marketing Inc.
141 – 50 Avenue SE
Calgary, AB T2G 4S7
Tel (403) 514-3000
enmax.com

Exhibit B

March 24, 2009

United States Department of Energy
1000 Independence Ave., S.W.
Washington, D.C. 20585-0350

Attention: Ms. Ellen Russell
Office of Electricity Delivery and Energy Reliability

**Re: ENMAX Energy Marketing Inc. Application for Renewal of Authority
to Transmit Electric Energy to Canada**

Dear Ms. Russell:

I have examined the relevant documents of ENMAX Energy Marketing Inc. ("EEMI") in connection with the export of electricity to Canada, and I can confirm that:

1. The proposed importation and exportation of electricity is within the corporate powers of EEMI; and
2. EEMI has directed its officers and agents to take all necessary steps to comply with all pertinent Federal and State laws of the United States in connection with the actions to be undertaken pursuant to the above-referenced Application.

Respectfully,
ENMAX Energy Marketing Inc.

A handwritten signature in black ink, appearing to read "Robert Hemstock", with a stylized flourish at the end.

Per: Robert Hemstock, B.Comm., LL.B.
Executive Vice-President Regulatory and Legal Services

Exhibit C -- Identification of Proposed Border Crossing Points or Power Transfer Points by Presidential Permit Number

| <u>Present Owner</u> | <u>Location</u> | <u>Voltage</u> | <u>Presidential Permit No.</u> |
|--------------------------------------|-------------------------|----------------|--------------------------------|
| Bangor Hydro-Electric Company | Baileyville, ME | 345-kV | PP-89 |
| Basin Electric Power Cooperative | Tioga, ND | 230-kV | PP-64 |
| Bonneville Power Administration | Blaine, WA | 2-500-kV | PP-10 |
| | Nelway, WA | 230-kV | PP-36 |
| | Nelway, WA | 230-kV | PP-46 |
| Eastern Maine Electric Cooperative | Calais, ME | 69-kV | PP-32 |
| International Transmission Company | Detroit, MI | 230-kV | PP-230 |
| | Marysville, MI | 230-kV | PP-230 |
| | St. Clair, MI | 230-kV | PP-230 |
| | St. Clair, MI | 345-kV | PP-230 |
| Joint Owners of the Highgate Project | Highgate, VT | 120-kV | PP-82 |
| Long Sault, Inc. | Massena, NY | 2-115-kV | PP-24 |
| Maine Electric Power Company | Houston, ME | 345-kV | PP-43 |
| Maine Public Service Company | Lincolnton, ME | 69-kV | PP-12 |
| | Fort Fairfield, ME | 69-kV | PP-12 |
| | Madawaska, ME | 138-kV | PP-29 |
| | Aroostook, ME | 2-69-kV | PP-29 |
| Minnesota Power, Inc. | International Falls, MN | 115-kV | PP-78 |
| Minnesota Power Cooperative | Roseau County, MN | 230-kV | PP-61 |
| New York Power Authority | Massena, NY | 765-kV | PP-56 |
| | Massena, NY | 2-230-kV | PP-25 |
| | Niagara Falls, NY | 2-345-kV | PP-74 |
| | Devils Hole, NY | 230-kV | PP-30 |
| Niagara Mohawk Power Corp. | Devils Hole, NY | 230-kV | PP-190 |
| Northern States Power Company | Red River, ND | 230-kV | PP-45 |
| | Roseau County, MN | 500-kV | PP-63 |
| | Rugby, ND | 230-kV | PP-231 |
| Vermont Electric Power Co. | Dorby Line, VT | 120-kV | PP-66 |
| Vermont Electric Transmission Co. | Norton, VT | ±450-kV DC | PP-76 |
| | Millbury, MA | 345-kV | |
| | Medway, MA | 345-kV | |

Exhibit D

Power of Attorney for Applicants Residing Outside United States

IRREVOCABLE LIMITED POWER OF ATTORNEY

Be it known, that, I, Lonnie Enns of ENMAX Energy Marketing Inc., an Alberta Corporation ("Principal"), with its principal place of business at 141-50 Avenue, SE, Calgary, Alberta T2G 4S7, Canada, do hereby grant a limited Power of Attorney to my designated agent, CT Corporation System, 520 Pike Street Suite 985 Seattle, Washington 98101 as my attorney-in-fact, for the limited purposes set forth herein ("Attorney in Fact").

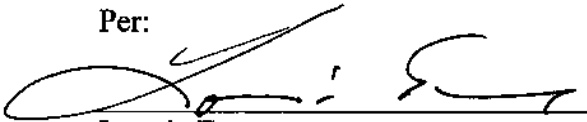
The Attorney in Fact shall have the limited power and authority to receive service of process for any and all matters relating to or arising from the Principal's application before the Department of Energy to transmit electric energy to Canada, filed pursuant to 10 C.F.R. §205.300 et seq.

This Power of Attorney is irrevocable by the Principal, subject only to the Principal's right to re-designate, or substitute the Attorney in Fact upon thirty (30) days prior notice to the Department of Energy and the Attorney in Fact.

IN WITNESS WHEREOF, the Principal has caused this Power of Attorney to be executed on this 6 day of April 2009

ENMAX ENERGY MARKETING INC.

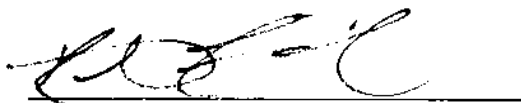
Per:



Lonnie Enns
Vice President

ENMAX ENERGY MARKETING INC.

SUBSCRIBED AND SWORN TO before
me on this 6 day of April, 2009



Kent Chicilo

A Notary Public / Commissioner of Oaths in and for the
Province of Alberta being a Barrister and Solicitor

Exhibit E

NOT APPLICABLE

Exhibit F

NOT APPLICABLE

Verification

UNITED STATES OF AMERICA

DEPARTMENT OF ENERGY

OFFICE OF FOSSIL ENERGY

ENMAX Energy Marketing Inc.

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Docket No. EA-264-B

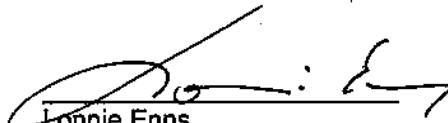
VERIFICATION

PROVINCE OF ALBERTA

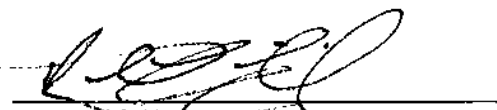
CITY OF CALGARY

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ss.

Lonnie Enns, being duly first sworn, states he is the Vice President of ENMAX Energy Marketing Inc. ("ENMAX") and that as such he has approved the submission of the foregoing application, that he is authorized by ENMAX to do so; that he has read the foregoing application and is familiar with the contents thereof; and that the matters and representations set forth therein are true and correct to the best of his knowledge, information and belief.


Lonnie Enns
Vice President

SUBSCRIBED AND SWORN TO before
me on this 2 day of April, 2009


Kent Chicilo
A Notary Public / Commissioner of Oaths in and for the
Province of Alberta being a Barrister and Solicitor